

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

No. 04-CR-10384-PBS

UNITED STATES

v.

DANIEL KAMEN

DEFENDANT'S MOTION TO DISMISS INDICTMENT

The defendant Daniel Kamen hereby moves this Honorable Court to dismiss the indictment against him, as insufficient evidence was presented at his first trial and retrial is barred by the Double Jeopardy Clause. The grounds for this motion are set forth in the Memorandum of Law filed herewith.

Respectfully submitted,
DANIEL KAMEN
By his attorneys,

/s/ Charles W. Rankin

Charles W. Rankin, BBO No. 411780
Michelle Menken, BBO No. 644537
Jonathan Harwell, BBO No. 662764
Rankin & Sultan
151 Merrimac Street
Boston, MA 02114
617-720-0011

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on August 22, 2008.

/s/ Charles W. Rankin

Charles W. Rankin